UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

DATATREASURY CORPORATION,	§	
	§	
Plaintiff,	§	
	§	
v.	§	Civil Action No. 2:06-CV-72 (DF)
	§	
WELLS FARGO & COMPANY, et al.,	§	
	§	
Defendants.	§	

WELLS FARGO & COMPANY AND WELLS FARGO BANK, N.A.'S UNOPPOSED MOTION TO MODIFY SCHEDULING ORDER

In accordance with Local Court Rule CV-7 of the Local Court Rules of the United States District Court for the Eastern District of Texas and Rule 16(b) of the Federal Rules of Civil Procedure, Wells Fargo & Company and Wells Fargo Bank, National Association (collectively "Wells Fargo"), Defendants, file this Unopposed Motion to Modify Scheduling Order ("Motion to Modify"), and respectfully show as follows:

1. For good cause set forth below, Wells Fargo respectfully requests that the Court extend Wells Fargo's deadline to serve Initial Disclosures pursuant to Federal Rule of Civil Procedure 26 to December 18, 2006.

2. Under Rule 16(b) of the Federal Rules of Civil Procedure, a scheduling order is properly modified "upon a showing of good cause and by leave of the district judge."[1] When good cause exists, as it does here, a district court has broad discretion to modify its own scheduling order.[2]

3. The Court's Docket Control Order of October 25, 2006, provides that the parties are to exchange initial disclosures pursuant to Federal Rule of Civil Procedure 26 by December

[1]Fed. R. Civ. P. 16(b).
[2]Fed. R. Civ. P. 16(b); *Ciena Corp. v. Nortel Networks, Inc.*, 233 F.R.D. 493, 493 (E.D. Tex. 2006).

4, 2006. Due to the complexity of this lawsuit and the number of individuals that may potentially have knowledge of discoverable information, Wells Fargo respectfully requests that that the Court extend Wells Fargo's deadline to serve Rule 26 Initial Disclosures to December 18, 2006.

4. DataTreasury Corporation does not oppose the relief sought in this motion, and this motion will in no way alter the trial date or the date set for the claim construction hearing. Accordingly, this motion is not sought for delay, but so that justice may be done.

FOR THE FOREGOING REASONS, Wells Fargo & Company and Wells Fargo Bank, National Association respectfully request that this Court extend Wells Fargo's deadline to serve Initial Disclosures to December 18, 2006.

Respectfully submitted,

By: /s/ W. Barton Rankin

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CERTIFICATE OF SERVICE

I hereby certify that on the 4th day of December 2006, a true and correct copy of Wells Fargo & Company and Wells Fargo Bank, National Association's Unopposed Motion to Modify Scheduling Order was forwarded to the following counsel of record electronically pursuant to Local Court Rule 5(a)(3)(A):

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